

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-CV-22759-RAR

XYZ CORPORATION,

Plaintiff,

v.

**THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE “A”,**

Defendants.

ORDER REQUIRING MOTION FOR DEFAULT JUDGMENT

THIS CAUSE comes before the Court upon *sua sponte* review of the record. Plaintiff filed its Complaint, [ECF No. 1], on July 19, 2024. On September 1, 2024, Plaintiff filed an *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (“Motion for Alternate Service”), [ECF No. 12]. The Court entered an Order granting the Motion for Alternate Service on September 11, 2024 (“Order”), [ECF No. 18]. In accordance with that Order, Plaintiff served each Defendant with a summons and a copy of the Complaint either via electronic mail, onsite contact form, website posting, or by serving the Registrar of record associated with a given Defendant via electronic mail. *See* [ECF Nos. 23, 24, 30].

Pursuant to Federal Rule of Civil Procedure 12(a), Defendants were required to file a response or answer to Plaintiff’s Complaint by October 21, 2024. When Defendants failed to do so, The Court issued an Order Directing Clerk to Enter Default, [ECF No. 42], which was entered on October 28, 2024, [ECF No. 43]. Therefore, it is hereby

ORDERED AND ADJUDGED that **within ten (10) days** of this Order, Plaintiff shall file a Motion for Default Final Judgment (“Motion”). The Motion must include affidavits of any sum certain due by Defendants, and any other supporting documentation necessary to determine Plaintiff’s measure of damages. The Motion shall also be accompanied by (1) the necessary affidavit under the Servicemembers Civil Relief Act, 50 U.S.C. app. section 521(b), if applicable; (2) a memorandum of law supporting entitlement to final judgment; (3) a proposed order; and (4) a proposed final judgment. Pursuant to the CM/ECF Administrative Procedures, the proposed orders **shall be submitted to the Court by e-mail in Word format** at ruiz@flsd.uscourts.gov. **The email subject line must include the case number as follows: XX-CV-XXXX-RAR.** Plaintiff shall send a copy of the Motion to Defendants’ counsel or to Defendants directly if they remain unrepresented. In the certificate of service, Plaintiff shall indicate that notice was sent and the addresses where notice was sent.

If Defendants fail to move to set aside the Clerk’s Default or respond to the Motion within the time permitted by the Rules, default final judgment may be entered, which means that Plaintiff may be able to take Defendants’ property or money, and/or obtain other relief against Defendants. Plaintiff’s failure to file the Motion within the specified time frame will result in a **dismissal without prejudice** and without further notice.

DONE AND ORDERED in Miami, Florida, this 28th day of October, 2024.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', is written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE